

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

GARY MORRIS,

Petitioner,

Case Number: 03-73380

v.

HONORABLE PATRICK J. DUGGAN

WARDEN CASON,

Respondent.

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**ORDER DENYING MOTION FOR RECONSIDERATION**

At a session of said Court, held in the U.S.  
District Courthouse, City of Detroit, County of  
Wayne, State of Michigan, on July 8, 2005.

PRESENT: THE HONORABLE PATRICK J. DUGGAN  
UNITED STATES DISTRICT JUDGE

In an Opinion and Order dated June 13, 2005, this Court: 1) denied Petitioner Gary Morris's Motion for Depositions pursuant to Rule 27(b) of the Federal Rules of Civil Procedure; and 2) denied Petitioner's Motion for Relief from Judgment. On July 7, 2005, Petitioner filed a Motion for Reconsideration.<sup>1</sup>

Motions for reconsideration are governed by Eastern District of Michigan Local Rule 7.1(g)(3) which provides:

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<sup>1</sup> In a June 23, 2005 Order, this Court extended the time within which Petitioner had to file a motion for reconsideration until July 8, 2005 because Petitioner contended that when he received a copy of this Court's June 13, 2005 Opinion and Order there was a page missing.

(3) Grounds. Generally, and without restricting the court's discretion, the court will not grant motions for rehearing or reconsideration that merely present the same issues ruled upon by the court, either expressly or by reasonable implication. The movant must not only demonstrate a palpable defect by which the court and the parties have been misled but also show that correcting the defect will result in a different disposition of the case.

Thus the Court will grant a motion for reconsideration if the moving party shows: (1) a "palpable defect," (2) that the defect misled the Court and the parties, and (3) that correcting the defect will result in a different disposition of the case. *Sundberg v. Keller Ladder*, 189 F. Supp. 2d 671, 674 (E.D. Mich. 2002). A palpable defect is one which is obvious, clear, unmistakable, manifest, or plain. *Fleck v. Titan Tire Corp.*, 177 F. Supp. 2d 605, 624 (E.D. Mich. 2001).

Plaintiff has not alleged any "palpable defect by which the court and the parties have been misled." E.D. MICH. L.R. 7.1(g)(3). Therefore, Petitioner has failed to state a ground for reconsideration.

Accordingly,

**IT IS ORDERED** that Petitioner's Motion for Reconsideration is **DENIED**.

s/PATRICK J. DUGGAN  
UNITED STATES DISTRICT JUDGE

Copies to:  
Gary Morris #244534  
2400 S Sheridan Rd.  
Muskegon MI 48442-6298

Debra Gagliadi, Esq